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09/868,245	06/15/2001	Philip E. Holmes	36-1440	7054

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Nixon & Vanderhye  
8th Floor  
1100 North Glebe Road  
Arlington, VA 22201-4714

EXAMINER

TIV, BACKHEAN

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/868,245

Applicant(s)

HOLMES, PHILIP E.

Examiner

Backhean Tiv

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 6/15/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

Claims 1-27 are pending in this application.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 11, the claim recites “ and/or”, this makes the claim indefinite because it is unclear whether the method comprises “establishment or termination”, or “establishment and termination”. For the purposes of art rejection, the examiner will use the method comprises “establishment or termination”.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 98/20646 issued to Melen in view of US Patent 6,003,084 issued to Green et al. (Green).

As per claim 1, Melen teaches a method of generating charging data relating to information passed between a user's computer system and a content provider's computer system over a

communications network link involving at least one client/server relationship(page 4, fifth full paragraph, Fig.1-2), the method comprising the following steps:

b) recording data created in response to the at least one event detected by the monitoring(page 13, first full paragraph), and

c) generating charging data on the basis of the recorded data(page 4, fifth full paragraph).

Melen, however does not explicitly teach a) monitoring communications in at least one client/server relationship to detect at least one event causing a change in a state of at least one logical connection defined by at least a client network- layer address, a client transport layer address, a server network layer address and a server transport layer address.

Green explicitly teaches a) monitoring communications in at least one client/server relationship to detect at least one event causing a change in a state of at least one logical connection defined by at least a client network- layer address, a client transport layer address, a server network layer address and a server transport layer address(Abstract, col.9,line 54-col.10, line 8, Fig.2).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Melen to explicitly monitoring communications in at least one client/server relationship to detect at least one event causing a change in a state of at least one logical connection defined by at least a client network- layer address, a client transport layer address, a server network layer address and a server transport layer address as taught by Green in order to monitor and control the exchange of information between two application entities(Green, col.5, lines 18-20).

One skilled in the art would have been motivated to combine Melen and Green in order to provide a method to for network security, in particular a secure system between a requestor and server system(Green, col.1, lines 5-7).

As per claim 2, a method according to claim 1 wherein the information is passed via an access provider's computer system acting as a proxy client and a proxy server and wherein the monitoring is performed by the access provider's computer system(Melen, page 11, second full paragraph). Motivation to combine set forth in claim 1.

As per claim 3, a method according to claim 2 wherein the charging data is generated by the access provider's computer system(Melen, page 14, first paragraph, last paragraph, page15, first paragraph starting with "segment, such as the..."). Motivation to combine set forth in claim 1.

As per claim 4, a method according to claim 3 wherein the at least one logical connection comprise a logical connection created between the access provider's computer system acting as a proxy server and the user's computer system acting as a client(Green, col.5, lines 34-54). Motivation to combine set forth in claim 1.

As per claim 5, a method according to claim 3 wherein the at least one logical connection comprise a logical connection created between the access provider's computer system acting as proxy client and the content provider's computer system acting as a server(Green, col.5, lines 34-54). Motivation to combine set forth in claim 1.

As per claim 6, a method according to claim 1 wherein the monitoring is performed by the content provider's computer system(Melen, page 13, first full paragraph). Motivation to combine set forth in claim 1.

As per claim 7, a method according to claim 6 wherein the charging data is generated by the content provider's computer system(page 4, fifth full paragraph). Motivation to combine set forth in claim 1.

As per claim 8, a method according to claim 7 wherein the at least one logical connection comprise a logical connection created between the content provider's computer system acting as a

server and the user's computer system acting as a client(Green, Fig.2). Motivation to combine set forth in claim 1.

As per claim 9, a method according to claim 1 wherein the recorded data comprises a record of at least one: selected from the group consisting of the client network layer address, the client transport layer address, the server network layer address and the server transport layer address(Green, Abstract, col.9, line 55-col.10, line 8). Motivation to combine set forth in claim 1.

As per claim 10, a method according to claim 1 wherein the recorded data comprises a record of a period of time relating to the at least one event(Melen, page 13, first full paragraph). Motivation to combine set forth in claim 1.

As per claim 11, a method according to claim 1 wherein the at least one event comprise the establishment and/or termination of the at least one logical connection(Melen, page 13, first full paragraph). Motivation to combine set forth in claim 1.

As per claim 12, a method according to claim 1 wherein the recorded data comprises a record of a number of logical connections established and terminated(Green, col.8, lines 15-24). Motivation to combine set forth in claim 1.

As per claim 13, a method according to claim 1 wherein the at least one logical connection comprise one selected from the group consisting of Transmission Control Protocol (TCP) socket connections, User Datagram Protocol (UDP) socket connections and Internet Protocol (IP) socket connections(Green, col.10, line 1). Motivation to combine set forth in claim 1.

As per claim 14, a method according claim 1 wherein the recorded data further comprises a record of information extracted from at least one header prepended to information passing between the content provider's computer system and the user's computer system during the subsistence of the logical connections(Green, col.4, lines 43-50, 62-67). Motivation to combine set forth in claim 1.

As per claim 15, a method according to claim 14 wherein the at least one header comprise

at least one selected from the group consisting of all Transmission Control Protocol / Internet Protocol (TCP/IP) network layer headers, all TCP/IP transport layer headers and all TCP/IP application layer headers(Green, col.4 line 62-col.5, line 5). Motivation to combine set forth in claim 1.

As per claim 16, a method according to claim 1 wherein the network layer addresses comprise an IP address and the transport layer addresses comprise a port number(Green, col.4, line62-col.5, line5). Motivation to combine set forth in claim 1.

As per claim 17, a method according claim 1 wherein the communications network link comprises a permanently activated communications network link(Green, Fig.1-4, col.4, lines 48-52). Motivation to combine set forth in claim 1.

Claims 18, 21, 22, 24, 27 are rejected based on the same rationale as claim 1 (see claim 1 rejection above).

Claims 19 and 23 are rejected based on the same rationale as claim 2 and 5 (see claim 2 and 5 rejection above).

Claim 20 is rejected based on the same rationale as claim 2 (see claim 2 rejection above).

As per claim 25, a method according to claim 24 wherein the measuring comprises measuring a plurality of durations each relating to a respective one of a plurality of the logical connections, the logical connections being at least partially contemporaneous and relating to the same client/server relationship(Melen, page, 10, last paragraph-page 11, first paragraph).Motivation to combine set forth in claim 1.

As per claim 26, a method as claimed in claim 24, wherein a server of the client/server relationship incorporates a server program which incorporates routines to perform the monitoring(Green, Abstract). Motivation to combine set forth in claim 1.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

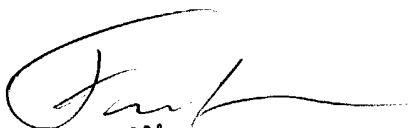
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (703) 308-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Backhean Tiv  
2151  
9/16/04

  
**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**